

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION**

CHRISTOPHER WALDEN,

Plaintiff,

V.

**MUSCOGEE COUNTY
SUPERIOR COURT,**

Defendant.

NO. 4:24-cv-00055-CDL-AGH

ORDER OF DISMISSAL

Plaintiff Christopher Walden filed a pleading on the form for a 42 U.S.C. § 1983 civil rights complaint. Compl., ECF No. 1. Based on Plaintiff's allegations and requests for relief, it was unclear whether he was actually seeking relief under § 1983 or whether, instead, Plaintiff was seeking habeas corpus relief under 28 U.S.C. § 2241. Therefore, Plaintiff was ordered to clarify the type of relief that he was seeking by filing either a new 42 U.S.C. § 1983 complaint or a 28 U.S.C. § 2241 petition for a writ of habeas corpus. Order, ECF No. 4. Plaintiff was also ordered to file a certified copy of his trust fund account statement. *Id.*

Plaintiff was given fourteen days to complete these actions and was cautioned that his failure to do so may result in the dismissal of this case. *Id.* More than fourteen days passed following entry of that order, during which Plaintiff did not file his recast pleading or his account statement. Therefore, Plaintiff was ordered to show cause to the Court why this case should not be dismissed based on his failure to comply with the Court's order for

him to recast his complaint and file his account statement. Order to Show Cause, ECF No. 5. Plaintiff was given fourteen days to respond and was cautioned that his failure to do so would likely result in the dismissal of this action. *Id.*

More than fourteen days have now passed since the order to show cause was entered, and Plaintiff has not responded to that order. Therefore, because Plaintiff has failed to respond to the Court's orders or otherwise prosecute this case, his complaint is now **DISMISSED WITHOUT PREJUDICE**. See Fed. R. Civ. P. 41(b); *Brown v Tallahassee Police Dep't*, 205 F. App'x 802, 802 (11th Cir. 2006) (per curiam) ("The court may dismiss an action sua sponte under Rule 41(b) for failure to prosecute or failure to obey a court order.") (citing Fed. R. Civ. P. 41(b) and *Lopez v. Aransas Cty. Indep. Sch. Dist.*, 570 F.2d 541, 544 (5th Cir. 1978)).

SO ORDERED, this 22nd day of July, 2024.

S/Clay D. Land
CLAY D. LAND
U.S. DISTRICT COURT JUDGE
MIDDLE DISTRICT OF GEORGIA